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APR 16 2004

In re Application of
Kerns and Bernard
Application No. 10/665,909
Filed: 18 September, 2003
Atty Docket No. 35693.830007.US0

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OFFICE OF PETITIONS
: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the renewed petition filed under 37 CFR 1.47(a) on 31 March, 2004.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, petitioners have established that a copy of the application was sent to the non-signing inventor, Noah Bernard. However, the non-signing inventor did not return an executed declaration listing him as a joint inventors along with Mark Kearns.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to Technology Center 3700 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.

D. Wood
Douglas I. Wood
Senior Petitions Attorney
Office of Petitions